

ESTTA Tracking number: **ESTTA546696**

Filing date: **07/03/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	K-2 Corporation
Granted to Date of previous extension	07/07/2013
Address	4201 6th Avenue S Seattle, WA 98108 UNITED STATES

Attorney information	Cindy L. Caditz Davis Wright Tremaine LLP 1201 Third Ave, Suite 2200 Seattle, WA 98101 UNITED STATES cindycaditz@dwt.com, mmoersfelder@dwt.com, ronrutherford@dwt.com Phone:206-757-8014
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### Applicant Information

Application No	85539653	Publication date	01/08/2013
Opposition Filing Date	07/03/2013	Opposition Period Ends	07/07/2013
Applicant	Black Clover Enterprises LLC 12300 S. 352 W. STE 400 Draper, UT 84020 UNITED STATES		

### Goods/Services Affected by Opposition

Class 025. First Use: 2010/11/01 First Use In Commerce: 2010/11/01  
All goods and services in the class are opposed, namely: Headwear; Pants; Shirts; Shorts

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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### Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1878248	Application Date	09/03/1992
Registration Date	02/07/1995	Foreign Priority Date	NONE
Word Mark	RIDE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 028. First use: First Use: 1992/09/00 First Use In Commerce: 1992/12/00 snowboards and accessories for snowboards; namely, snowboard boots, snowboard bindings and parts therefor, snowboard boot bags and snowboard leashes

U.S. Registration No.	3762894	Application Date	08/05/2009
Registration Date	03/23/2010	Foreign Priority Date	NONE
Word Mark	RIDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1994/01/00 First Use In Commerce: 1994/01/00 snowboard boots, snowboard clothing		

U.S. Registration No.	4327781	Application Date	08/23/2012
Registration Date	04/30/2013	Foreign Priority Date	NONE
Word Mark	RIDE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 025. First use: First Use: 1993/03/00 First Use In Commerce: 1993/03/00 clothing, namely, jackets, coats, parkas, sweatshirts, pullovers, shirts, t-shirts, pants, snowboard pants, ski bibs, gloves, hats, caps, balaclavas, head bands, neckwear and belts all goods designed or promoted for winter sports; snowboard boots		

Attachments	Notice of Opposition RIDE LUCKY.pdf(24829 bytes )
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/MEM/
Name	Matthew E. Moersfelder
Date	07/03/2013

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7 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**  
8 **BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

9 K-2 CORPORATION dba RIDE  
10 SNOWBOARD COMPANY, an Indiana  
11 corporation,

12 Opposer,

13 v.

14 BLACK CLOVER ENTERPRISES LLC, a Utah  
15 limited liability company,

16 Applicant.

Opposition No.

Application Serial No. 85/539,653

NOTICE OF OPPOSITION

17 TO THE COMMISSIONER FOR TRADEMARKS  
18 TRADEMARK TRIAL AND APPEAL BOARD:

19 K-2 Corporation dba Ride Snowboard Company, a corporation of the State of Indiana,  
20 having a place of business at 4201 6<sup>th</sup> Avenue S, Seattle, WA 98108 (hereinafter "Opposer"),  
21 believes that it will be damaged by registration of the trademark shown in Application Serial  
22 No. 85/539,653, in International Class 25, and hereby opposes the same. As grounds for the  
23 opposition, Opposer alleges as follows.

24 1. On information and belief, Black Clover Enterprises LLC is a Utah limited  
25 liability company with an address of 12300 S. 352 W., Suite 400, Draper, UT 84020 (hereinafter  
26 "Applicant").  
27

1           2.       Continuously since long prior to any date upon which Applicant can rely,  
2 Opposer has used the trademark RIDE, in association with the sale of snowboards and  
3 snowboard accessories, and winter sports clothing and clothing.

4           3.       Opposer is the owner of U.S. Trademark Registration No. 1,878,248, for the mark  
5 RIDE, for snowboards and accessories for snowboards, namely, snowboard boots, snowboard  
6 bindings and parts therefor, snowboard boot bags and snowboard leashes, in International  
7 Class 28. Said registration issued February 7, 1995, in International Class 28, setting forth a date  
8 of first use of September 1992 and representing a priority date of September 3, 1992, pursuant to  
9 15 U.S.C. § 1051(b). Registration No. 1,878,248 is currently valid, subsisting, and incontestable.  
10

11          4.       Opposer is the owner of U.S. Trademark Registration No. 3,762,894, for the mark  
12 RIDE, for snowboard boots and snowboard clothing, in International Class 25. Said registration  
13 issued March 23, 2010, in International Class 25, setting forth a date of first use in 1994.  
14 Registration No. 3,762,894 is currently valid and subsisting.  
15

16          5.       Opposer is the owner of U.S. Trademark Registration No. 4,327,781, for the mark  
17 RIDE, for clothing, namely, jackets, coats, parkas, sweatshirts, pullovers, shirts, t-shirts, pants,  
18 snowboard pants, ski bibs, gloves, hats, caps, balaclavas, head bands, neckwear and belts all  
19 goods designed or promoted for winter sports; and snowboard boots, in International Class 25.  
20 Said registration issued April 30, 2013, in International Class 25, setting forth a date of first use  
21 at least as early as March 1993. Registration No. 4,327,781 is currently valid and subsisting.  
22

23          6.       The mark RIDE LUCKY, shown in Application Serial No. 85/539,653, so  
24 resembles Opposer's mark RIDE, when used in association with the goods claimed by  
25 Application Serial No. 85/539,653, as to be likely to cause confusion, or to cause mistake, or to  
26 deceive within the meaning of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).  
27

1           7.       Opposer will be damaged by the registration sought by Applicant insofar as the  
2 registration will be *prima facie* evidence of the validity of the registration, Applicant's ownership  
3 of the mark RIDE LUCKY for the goods claimed by Application Serial No. 85/539,653, and  
4 Applicant's exclusive right to use the mark RIDE LUCKY in association with the goods claimed  
5 by Application Serial No. 85/539,653 when, in fact, Applicant is not entitled to the full scope of  
6 such rights by virtue of Opposer's prior and continuous use of the mark RIDE, for snowboards  
7 and accessories and for snowboards and clothing, which are sold in the same channels of trade in  
8 which the goods claimed by Application Serial No. 85/539,653 may be sold.  
9

10           8.       Based upon the foregoing, registration of the mark shown by Application Serial  
11 No. 85/539,653, filed February 10, 2012, is likely to cause injury and damage to Opposer.

12           WHEREFORE, Opposer respectfully requests that registration of the mark RIDE  
13 LUCKY as shown by Application Serial No. 85/539,653, be denied under Section 2(d) of the  
14 Lanham Act, 15 U.S.C. § 1052(d), and that this Opposition be sustained.  
15

16           Please charge the filing fee of US \$300.00 to Deposit Account No. 04-0258 of Opposer's  
17 counsel noted below.

18           Please direct all correspondence to Cindy L. Caditz or Matthew E. Moersfelder of Davis  
19 Wright Tremaine LLP at the following address:

20           Cindy L. Caditz, Esq.  
21           Matthew E. Moersfelder  
22           Davis Wright Tremaine LLP  
23           1201 Third Avenue, Suite 2200  
24           Seattle, WA 98101-3045

25           Please direct all telephone calls to Cindy L. Caditz at 206-757-8097 or Matthew E.  
26 Moersfelder at 206-757-8014  
27

1 DATED this 3rd day of July, 2013.

2 Davis Wright Tremaine LLP  
3 Attorneys for K-2 Corporation.

4 By s/Matthew E. Moersfelder  
5 Cindy L. Caditz  
6 Matthew E. Moersfelder  
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**CERTIFICATE OF FILING**

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/539,653 for the mark RIDE LUCKY is being filed with the Trademark Trial and Appeal Board using the ESTTA filing system of the U.S. Patent and Trademark Office on the below date.

Date: July 3, 2013 s/Matthew E. Moersfelder

**CERTIFICATE OF SERVICE**

I hereby certify that this NOTICE OF OPPOSITION to U.S. Trademark Application Serial No. 85/539,653 for the mark RIDE LUCKY is being duly served upon on Applicant's counsel by mailing copies thereof via the U.S. Postal Service in sealed envelopes as first-class mail with postage thereupon fully prepaid and addressed to the following addresses:

Charles Parson, Esq.  
The Parson Group LP  
40 W. Cache Valley Blvd., Suite 8A  
Logan, UT 84341

Date: July 3, 2013 s/Ron Rutherford